REMARKS

Claims 26-30 and 61 are amended. Claims 62-71 are added. Claims 26-30, 32, 54, 58 and 60-71 are in the application for consideration.

Independent claim 26 stands rejected as being obvious over U.S. Patent No. 6,376,304 to Matsuoka et al. Claim 26 has been amended to emphasize that the well is formed within the insulative layer to comprise a base of said insulative layer, with such insulative layer within which said well is formed peripherally defining an outline of a memory array area. Accordingly, independent claim 26 inherently requires the well to comprise a base of the insulative layer within which the well was formed, and thereby requires a portion of such insulative layer to be received over the word lines.

The Examiner asserts that Matsuoka et al. discloses such in its insulative layer 902. However, this is in error. While insulative layer 902 is shown received over the word lines in Figs. 19 and 20, it is completely removed from thereover in Fig. 21. Thus, there is no base of layer 902 which is received over the word lines in Figs. 27-30 where capacitor storage nodes are shown. Accordingly, the Examiner's assertion in this regard is in error, and Matsuoka et al. does not disclose this facet of Applicant's claim 26 as the Examiner would assert. For at least this reason, the Examiner's obviousness rejection of independent claim 26 should be withdrawn, and action to that end is requested.

Further and regardless, Applicant recites the topmost surfaces of its storage node electrode as being received elevationally proximate a

substantially planar outermost surface of the insulative layer. Matsuoka et al. discloses that its capacitor storage node electrode topmost surfaces are some 60 times greater than that which Applicant discloses and recites by "proximate" in its claims, and Applicant does not have to assert some unobvious purpose or unexpected result when such magnitude in difference exists. Further, and by way of example only and not of limitation, in its "Background of the Invention" section, Applicant discloses unobvious purpose in overcoming prior art problems which is facilitated by keeping the topmost surfaces of the capacitor storage node electrodes proximate a planar outermost surface of an insulative layer to a value which is at least 60 times less than that disclosed by Matsuoka et al.

For either of these reasons, the Examiner's obviousness rejection of claim 26 over Matsuoka et al. should be withdrawn, and action to that end is requested.

Applicant's independent claim 26 also stands rejected as being obvious over U.S. Patent No. 5,770,499 to Kwok et al. However, this reference has already been cited, argued, and a Notice of Allowance issued thereover in this application. Further and regardless, layer 170, 172 of Kwok et al. within which its well is formed, does not have a base of layer 170, 172 which is received over word lines within a memory array area. Accordingly, Kwok et al. is lacking in this regard similarly as argued above with respect to Matsuoka et al. For at least this reason, the

Examiner's obviousness rejection over Kwok et al. should be withdrawn, and action to that end is requested.

Further and regardless, Applicant recites the topmost surfaces of its storage node electrode is received elevationally proximate a substantially planar outermost surface of the insulative layer. Kwok et al. shows that its capacitor storage node electrode topmost surfaces are at least three-times (3X) the thickness of its illustrated capacitor dielectric layer 120. Accordingly, such is not disclosed nor would be considered by a person of skill in the art to be "proximate" (as Applicant has defined such) of the outermost surface of its insulative layer 172, and Applicant does not have to assert some unobvious purpose or unexpected result when such magnitude in difference exists. Further, and by way of example only and not of limitation, in its "Background of the Invention" section, Applicant discloses unobvious purpose in overcoming prior art problems which is facilitated by keeping the topmost surfaces of the capacitor storage node electrodes proximate a planar outermost surface of an insulative layer to a value which is at least 3 times less than that disclosed by Kwok et al.

Applicant's dependent claims should be allowed as depending from allowable base claims, and for their own recited features which are neither shown nor suggested in the cited art. For example with respect to dependent claim 32, a reasonable interpretation of Matsuoka et al. shows that its topmost surfaces are received greater than or equal to 2,000 Angstroms above an outermost surface of its insulative layer. This is

some 40 times greater than that which Applicant recites in claim 32, and accordingly is not suggested by Matsuoka et al.

Further, for example with respect to dependent claim 61, such recites that a part of the container-shaped portion is received within openings formed in the insulative layer base. As argued above, Matsuoka et al. does not even disclose that which Applicant refers to as an insulative layer base of the well, and accordingly in no way conceivably could suggest that which Applicant recites in dependent claim 61.

This application is believed to be in immediate condition for allowance, and action to that end is requested.

Respectfully submitted,

Dated: 10-19-05

By: _____
Mark S. Matkin
Reg. No. 32,268